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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,466	10/09/2001	Auguste J.L. Sophie	ASMMC.036AUS	8303
20995	7590	07/11/2003		
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER	
			KIELIN, ERIK J	
			ART UNIT	PAPER NUMBER
			2813	

DATE MAILED: 07/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/975,466	SOPHIE ET AL.
	Examiner	Art Unit
	Erik Kielin	2813

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 24 June 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-17,28 and 30-32 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-17,28 and 30-32 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>14,17</u> .	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submissions filed on 22 May 2003 have been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-17, 28, 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application 2002/0027286 A1 (**Sundararajan et al.**) in view of US 6,482,740 B2 (**Soininen et al.**).

Regarding independent claim 1, **Sundararajan** discloses a process for producing an integrated circuit comprising forming a copper damascene structure **140, 145** on a substrate (Fig. 1A); forming a copper oxide on the copper during CMP (as further limited by instant claim 8); reducing the copper oxide by contacting the oxide with “typically” hydrogen or ammonia plasma --which is a vapor-- (paragraphs [0008] and [0018]), prior to forming a layer comprising silicon carbide, SiC or SiCN (paragraph [0009] and) in the same chamber, wherein the reduction

improves the surface for depositing the SiC or SiCN layer, and wherein the layer of SiC or SiCN serves as an etch stop 125 (Fig. 1B; paragraph [0022]).

Regarding independent claim 28, **Sundararajan** discloses a process for producing an integrated circuit comprising the following steps in order,

depositing a copper layer 140, 145 on a substrate (Fig. 1A);

subjecting the copper layer to a CMP process;

contacting the substrate with a hydrogen plasma reducing agent (paragraphs [0008]-[0009]); and

depositing a SiN, SiC, or SiCN etch stop layer (paragraph [0009]), as further limited by instant claims 30 and 32.

Sundararajan does not teach that the reductive treatment employs contacting the copper oxide with an organic, vapor phase reducing agent that is not plasma activated.

Further regarding claims 1 and 28 and regarding claims 4-7, **Soininen** teaches that vapor phase reduction of copper oxide using an organic reducing agent, such as an alcohol, aldehyde, or carboxylic acid, provides better adhesion than using the more stringent hydrogen plasma (col. 11, lines 50 to col. 12, line 7; col. 14, line 65 to col. 15, line 16; col. 16, line 65 to col. 17, line 12).

It would have been obvious for one of ordinary skill in the art, at the time of the invention to use the organic, vapor phase reducing agents of **Soininen** instead of the hydrogen plasma reduction of **Sundararajan** because **Soininen** teaches that the organic, vapor phase reducing agent results in better adhesion of the metal layer than with that resulting from a hydrogen plasma.

Regarding claim 3, an etch stop layer is a hard mask by definition. Even so, it has been held that to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not amount to the mere claiming of a use of a particular structure. See *Ex parte Pfeiffer*, 1962, C.D. 408 (1961). In this case that the SiC layer serves as a stop layer is not manipulative of the method and therefore is not considered to have patentable weight. Moreover, because the materials are the same in the same damascene structure as shown in Applicant's figures, it is very clear that the SiC serves as a hardmask to every extent as indicated by Applicant.

Regarding claims 9, because the copper is necessarily exposed during CMP and cleaning, the oxide is formed by exposure to "a cleanroom atmosphere."

Regarding claims 10-12 and 14-16, **Sundararajan** discloses the deposition necessarily takes place in a first chamber. The temperature therein is 300 to 450 °C. Further regarding claim 16, although the temperature of about 400 °C is not specifically indicated, the selection of the 400 °C is obvious because it is a matter of determining optimum process condition by routine experimentation with a limited number of species. See *In re Jones*, 162 USPQ 224 (CCPA 1955)(the selection of optimum ranges within prior art general conditions is obvious) and *In re Boesch*, 205 USPQ 215 (CCPA 1980)(discovery of optimum value of result effective variable in a known process is obvious).

Regarding claim 13, that the second chamber is clustered to a first reaction chamber does not have patentable weight because it is not manipulative of the invention. See *Ex parte Pfeiffer*, as above. Nonetheless, cluster tools are known and it would be obvious to one of ordinary skill in the art to use a cluster tool with separate chambers for the separate processes as in a cluster tool,

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to protect the copper layer from re-oxidation prior to the deposition of the SiC layer, in accordance with the objective in **Sundararajan**.

Regarding claim 17, **Sundararajan** does not disclose the temperature at which the copper is reduced. It would have been obvious for one of ordinary skill in the art, at the time of the invention to use the same temperature for reducing the copper oxide layer as that used for deposition in order to save time in changing the temperature, and because it would appear that the reduction temperature being equal to the deposition temperature would work just as well as some other temperature.

4. Claims 2 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sundararajan** in view of **Soininen** as applied to claims 1 and 28 above, and further in view of Applicant's admitted prior art (**APA**).

The prior art of **Sundararajan** in view of **Soininen**, as explained above, discloses each of the claimed features except for indicating that the silicon carbide layer contains oxygen.

APA teaches that it is known to use SiC and SiOC as a barrier/etch stop layer. (See instant specification, p. 3, lines 8-10.)

It would have been obvious for one of ordinary skill in the art, at the time of the invention to use silicon carbide with oxygen, because the selection of a known material suitable for an intended purpose is *prima facie* obvious in the absence of unexpected results. Moreover, one of ordinary skill would be motivated to use SiOC because it has a lower dielectric constant than silicon nitride, thereby aiding in the reduction of RC delay which is highly desired in the art.

Response to Arguments

5. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erik Kielin whose telephone number is 703-306-5980. The examiner can normally be reached on 9:00 - 19:30 on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Whitehead, Jr., can be reached at 703-308-4940. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


Erik Kielin
July 3, 2003